



DONNA SEIDEL
STATE REPRESENTATIVE
85TH ASSEMBLY DISTRICT

Testimony of Rep. Donna Seidel
Senate Bill 13 / Assembly Bill 39
Assembly Committee on Children & Family Law
March 8, 2007

Thank you for this opportunity to testify in support of this legislation which grants personnel from the Department of Workforce Development and from county Child Support Agencies electronic access to paternity case information maintained in the CCAP system.

Currently paternity hearings and records are confidential until paternity is established, which limits access of paternity proceedings to the parties and their attorneys. The State is party in over 76% of the paternity cases filed in Wisconsin - this percentage goes up to 99% in Milwaukee County. However, the CCAP website cannot presently be programmed in a way that would permit Child Support Agencies access only to cases in which the State is a party and consequently, Child Support Agencies cannot get access to any paternity cases in CCAP under current law.

Additionally, Clerks of Courts presently have a statutory obligation to provide Child Support Agencies with any information from court records that the agencies require to administer the child support program. Without CCAP's computer access to these cases, Clerks of Courts must supply the paper records to the agencies.

Electronic access to paternity case information in CCAP would contribute significantly to the effective and efficient operation of the county Child Support Agencies, the Clerks of Courts and the Courts themselves. Strict confidentiality provisions under current law limit the agencies use of any information obtained through CCAP to purposes related to the administration of the program. This legislation authorizes the Department of Workforce Development and all Child Support Agencies to have statewide access to the records of all pending paternity actions for purposes related to administering child and spousal support.

Wisconsin has been a national leader in child support enforcement and collections. If this bill is not passed, a county child support agency will need to request information from the clerk of court on a case by case basis. This requires pulling paper files, delivery time, and manually searching, impeding agencies from meeting federal timelines. Counties may start paternity action on a case that has already been started in another agency or privately, reducing their efficiency on the case.

SB 13 passed the Senate unanimously on February 27th and with the strong bipartisan support the bill has received, I am hopeful that the Assembly will continue to move the bill through the legislative process.

Thank you for your attention to this important legislation.

WISCONSIN CHILD

SUPPORT ENFORCEMENT ASSOCIATION

Memorandum

TO : Assembly Committee on Children and Family Law

FROM : Janet Nelson, Chief Legal Counsel, Milwaukee County Department of Child Support Enforcement, and Legislative Committee Chair, Wisconsin Child Support Enforcement Association

DATE : March 8, 2007

SUBJECT : Support for Senate Bill 13, relating to allowing access to pending paternity proceeding information for purposes of administering the child support program (cross-reference Assembly Bill 39)

The Wisconsin Child Support Enforcement Association (WCSEA) represents Wisconsin's child support agencies, which establish paternity and establish and enforce child support orders for Wisconsin's families. The Milwaukee County Department of Child Support Enforcement works with the Association to support legislation that allows our workers to provide the best service possible to Wisconsin's citizens.

The WCSEA and Milwaukee County both support SB 13, which allows child support agencies access to paternity cases on the Wisconsin Supreme Court's Circuit Court Automation Project computer system (CCAP). This access will allow Wisconsin's child support agencies to efficiently and effectively discharge their responsibilities under state and federal law.

- Wisconsin's 'Father for Every Child' law, §767.80(6m) Wis. Stats., requires child support agencies (CSAs) to commence a paternity action for any child born in Wisconsin for whom no father is named on the birth certificate. Prior to commencing an action, the CSA must confirm that no one else (the mother, the potential father or anyone else) has previously filed a paternity case for that child. This information is also needed to meet the requirement under §767.80(5)(b) that the paternity petition state "whether or not an action by any of the parties to determine the paternity of the child or rebut the presumption of paternity to the child has at any time been commenced, or is pending before any judge or circuit court commissioner, in this state or elsewhere." Without CCAP access, we have to rely on potentially incomplete information from parties to do this.
- CSAs are required to enter all support orders and judgments into the Kids' Information Data System (*KIDS*) pursuant to §§ 59.53(5)(b) and 767.57(1). They also are obligated by §767.75(2r) to process income withholding orders in support cases. Current reliance on pulling the paper court file to confirm support order and income withholding amounts is incredibly inefficient when compared to the possibility of checking these amounts on CCAP.

- Under federal law, there is a two-day timeline to receive and disburse support payments on support orders [45 CFR, 302.32(2)(l)]. When a disbursement question arises on a case, obtaining a court file to confirm proper support amounts may take two days or more. CCAP access allows CSAs to check the accuracy of orders and disburse support within federal requirements.


Access to court records is controlled by state statute. For paternity cases (cases in which legal fatherhood is determined for children born outside of marriage), §767.853 Wis. Stats. says that the court records are closed to anyone other than the parents, the parents' lawyers or any other parties to the case, until the judgment of paternity is entered. The purpose of this limitation was to protect from public view very personal information regarding the parties and the child.

Current subsection (2) of this statute recognizes that child support agencies have a legitimate interest in pre-judgment paternity information, and it requires clerks of court to provide child support agencies under §59.40(2)(p) any information from court records that is needed to administer the child support program. This provision has been interpreted to require CSAs to request information from court clerks on a case-by-case basis, rather than allowing access to CCAP's computerized records. Case-by-case access is costly and time-consuming for both clerks of circuit court and child support agencies.

SB 13 makes it clear that child support agencies are entitled to any prejudgment paternity information, even if the State is not a direct party to the case. This will allow special CCAP access to the agencies to view both the public portions of CCAP and the pre- and post-judgment paternity records therein.

Providing child support agencies access to this information does not offend the purpose for which the limitation was originally created. State law places strict limitations on the use of information to which agency workers are privy in the course of their duties. Child support workers who use or disclose information for any purpose other than the child support program, according to §49.83 Wis. Stats., may be fined up to \$500, imprisoned up to one year or both. There will be no increase in general public access to confidential CCAP information as a result of this bill.

I urge you, on behalf of the WCSEA and Milwaukee County Department of Child Support Enforcement, to support SB 13. Thank you for your kind consideration.



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State of Wisconsin
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Jim Doyle, Governor
Roberta Gassman, Secretary

March 7, 2007

Assembly Committee on Children and Family Law
Rep. Carol Owens, Chair
Room 315 North
State Capitol
P.O. Box 8953
Madison, WI 53708

Dear Rep. Owens :

Good morning Representative Owens, and members of the Committee. My name is Connie Chesnik and I am an attorney for the Wisconsin Department of Workforce Development and legal counsel for the state child support program. I am here today to testify in support of SB 13.

This legislation would permit county child support agencies electronic access to paternity case information maintained in the Wisconsin Supreme Court's Circuit Court Automation Project case management system, otherwise known as CCAP. This access will permit the child support program to fulfill its statutory obligations under §§ 49.22, 59.53(5), 767.075 and 767.45(6m).

Under current law, paternity hearings and records are confidential until paternity is established. Current law limits access to confidential paternity proceedings to the parties and their attorneys. The State is party in over 76% of the paternity cases filed in Wisconsin - this percentage goes up to 99% in Milwaukee County. However, the CCAP website cannot presently be programmed in a way that would permit Child support agency access only to cases in which the State is a party. Consequently, Child support agencies cannot get access to any paternity cases in CCAP under current law.

Electronic access to paternity case information in CCAP would contribute significantly to the effective and efficient operation of the county child support agencies, the Clerks of Court and the Courts themselves. Clerks of Courts presently have a statutory obligation to provide Child support agencies with any information from court records that the agencies require to administer the child support program. As the child support agencies are statutorily required to (1) establish paternity for all children born of unwed parents in the State, (2) enter orders on all paternity cases in the State on the statewide child support computer system (KIDS) and (3) produce income withholding notices to employers on all paternity case child support orders, the agencies need access to more than just the cases in which they are a direct party. Without CCAP access to paternity cases, Clerks of Courts must supply the paper records to the agencies to fulfill both their statutory obligations. This process can be time consuming and cumbersome, particularly in larger counties.

Strict confidentiality provisions under current law limit the agencies use of any information obtained through CCAP to purposes related to the administration of the program.

Wisconsin continues to be one of the top child support performing states in the nation. Over the next biennium, however, we are facing significant reductions in federal funding to the program. Passage of this legislation will assist county agencies in maintaining efficient programs while at the same time protecting confidential case information.

Thank you for your time and interest in this legislation.

Sincerely,

Connie M. Chesnik
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